

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BIOVAIL LABORATORIES)	
INTERNATIONAL SRL)	
a corporation of Barbados,)	
)
Plaintiff,)	C.A. No. 05-586-KAJ
v.)	(consolidated case)
)
ANDRX PHARMACEUTICALS, LLC)	
and ANDRX CORPORATION)	
)
Defendants.)	

**DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT OF NON-INFRINGEMENT OF U.S. PATENT NO. 5,529,791**

Defendants Andrx Pharmaceuticals LLC and Andrx Corporation (“Andrx) by and through its counsel respectfully moves for summary judgment of non-infringement of U.S. Patent No. 5,529,791 (the ‘791 patent). For the reasons more specifically set forth in the accompanying Memorandum in Support of Defendants’ Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 5,529,791, Andrx requests an order granting summary judgment of non-infringement of the ‘791 patent.

Respectfully submitted,

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Dated: November 27, 2006
763878 / 30015

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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on November 27, 2006, the attached document was hand-delivered on the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF.

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I hereby certify that on November 27, 2006, I have Electronically Mailed the documents to the following non-registered participants:

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